

ORDINANCE NO. 2014-06

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA,
RELATING TO THE PROVISION OF SOLID WASTE
MANAGEMENT FEE ASSESSMENTS IN THE VILLAGE
OF BISCAYNE PARK, FLORIDA; APPROVING THE
SCHEDULE FOR SOLID WASTE COLLECTION AGAINST
ASSESSED PROPERTY LOCATED WITHIN THE VILLAGE
OF BISCAYNE PARK FOR THE FISCAL YEAR
BEGINNING ON OCTOBER 1, 2014; PROVIDING FOR
CONFLICT; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION; PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, Section 17.4 of the Village's Land Development Code authorizes the
imposition of solid waste management fees; and

WHEREAS, the purpose of the solid waste management fee assessment is to fund the
cost of providing solid waste services; and

WHEREAS, the imposition of a solid waste management fee assessment is an equitable
and efficient method of allocating and apportioning solid waste collection assessed costs among
residential units; and

WHEREAS, consistent with Section 17.4 of the Village's Land Development Code, the
Village Commission desires to impose a solid waste management fee assessment within the
Village for the fiscal year beginning on October 1, 2014, using the tax bill collection methods;
and

WHEREAS, on May 21, 2014, the Village Commission approved the assessment fee of
\$467.00 per residential unit; and

WHEREAS, the total assessment from the solid waste management fee assessment
throughout the Village is estimated to be \$605,655.00.

1 NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE
2 VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

3 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
4 being true and correct and are hereby made a specific part of this Ordinance upon adoption
5 hereof.

6 **Section 2.** Authority. This Ordinance is adopted pursuant to provisions of Section
7 17.4 of the Land Development Code and Sections 166.021 and 166.041, Florida Statutes, and
8 other applicable provisions of law.

9 **Section 3.** Imposition of Solid Waste Management Fee Assessment.

10 (A) Residential units include all residential properties within the Village except for
11 building containing six (6) or more contiguous dwelling units are to receive solid waste services
12 from the Village. Six or more contiguous dwelling units are to contract with a County approved
13 contractor.

14 (B) The assessed properties are hereby found to be specially benefitted by the
15 provision of the solid waste collection services in the amount of the solid waste management fee
16 assessment of \$467.00 per residential unit and are determined to be fairly and reasonably
17 apportioned.

18 (C) For the fiscal year beginning October 1, 2014, the total solid waste management
19 fee assessment throughout the Village is estimated to be \$605,655.00.

20 (D) The solid waste management fee assessment for solid waste collection services is
21 hereby approved and shall continue to be the current schedule for solid waste collection,
22 transportation, separation and disposal service in subsequent years unless and until a new
23 management fee assessment is established by separate ordinance.

1 (E) The solid waste management fee assessment shall constitute a lien upon the real
2 property, so assessed equal in rank and dignity with the liens of all state, county, district and
3 municipal taxes and other non-ad valorem assessment.

4 **Section 4.** Effect and Adoption of Ordinance. The adoption of this Ordinance shall
5 be the final adjudication of the issues presented unless proper steps shall be initiated in a court of
6 competent jurisdiction to secure relief within twenty calendar days from the date of this
7 assessment.

8 **Section 5.** **Severability.** The provisions of this Ordinance are declared to be
9 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be
10 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
11 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
12 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
13 part.

14 **Section 6.** **Repeal of Conflicting Provisions.** To the extent any provisions of the
15 Code conflict with this Chapter, those provisions are repealed in its entirety.


16 **Section 7.** **Effective Date.** This Ordinance shall be effective upon adoption at
17 second reading.

18
19 The foregoing Ordinance was offered by Vice Mayor Ross, who moved its adoption. The
20 motion was seconded by Commissioner Anderson and upon being put to a vote, the vote was as
21 follows:

22
23 PASSED AND ADOPTED upon first reading this 5th day of August, 2014.

24 PASSED AND ADOPTED upon second reading this 9th day of September, 2014.

1 The foregoing ordinance upon being put to a vote, the vote was as follows:

2
3
4 
5 _____
6 David Coviello, Mayor

Mayor Coviello: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Jonas: Yes
Commissioner Watts: No

7
8
9
10 
11 _____
12 Maria C. Camara, Village Clerk

13
14
15 Approved as to form:

16
17 
18 _____
19 John J. Hearn, Village Attorney
20